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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,519	11/25/2003	Kaustubh Phaltankar	WMA-98-004D1	5144

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Technology Law Department
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EXAMINER	
NGUYEN, HANH N	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,519

Applicant(s)

PHALTANKAR, KAUSTUBH

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 11/26/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 20 and 33-358 is/are rejected.
- 7) ☒ Claim(s) 16-19 and 36-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Double patenting filed on 12/10/07 is approved.

Response to Arguments

Applicant's arguments filed on 11/26/07 have been fully considered but they are not persuasive.

Applicant in the Remark, page 10 argues that the server 108 in Byrne is not a subnetwork. Applicant is noted in the specification, page 10, lines 5-15; fig.1A that the subnetwork 28a may be LANs having local servers for one or more applications well-known in the art. Therefore, examiner consider the server 108 of Byrne as part of subnetwork.

Applicant further argues on page 9 that Byrne does not disclose at least two interface switches providing connectivity between the subnetwork and a main network; wherein if one switch fails, the connectivity is provided by another one of interface switches. Refer to Byrne, fig.4, col.4, lines 50-65; AM switches 104 & 106 (at least two interface switches) are connected between routers 110 and 102 (main network) and server 105 (subnetwork) via links 112, 116, 114, 118. Figure 5 discloses a fail over process through the ATM network 100 (see fig.4). IN fig.5, two end-end connections or links 112, 116 connecting the ATM switches 104 and 106 are established at step 204 (see fig.4, col.4, lines 50-55 and col.6, lines 52-60); At step 208, one of the two connections begins communication session. At step 210, if a failure occurs at the connection/link which couples the ATM switch (col.6, lines 62-67), at step 212, a second end-to-end connection which also pass through ATM switch is automatically

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established ; and the failed connection is torn down. Applicant is noted since the connection/link 116, 112 pass through the ATM switches 104, 106, so when a connection failed, inherently, the ATM switch connects the connection also failed (see col.6, lines 10-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15, 20, 33-35 are rejected under 35 USC 103(a) as being unpatentable over Byrne (US Pat. 6229787 B1) in view of Li et al. (US Pat. 5,473,599)

In claims 13, 20 and 33, Byrne discloses at least two interface switches (see fig.4, ATM switches 104, 106) providing connectivity between a subnetwork (server 108) and a main network (see col.4, lines 50-65; ATM backbone), wherein, if one of said switches fails, the connectivity otherwise provided by the failed interface switch is provided by another one of said interface switches (see fig.4, fig.5, step 204, 208, 210 and 212; col.6, lines 10-22 and lines 42- col.7, line 5; when a connection VCC2116 between edge switch /router 102 and ATM switch 106 fails, another connection VCC1 112 is established); and at least two interface routers (fig.4, router 102 and router 110),

each interface router individually coupled to at least one interface switch (see fig.4; router 102 and router 110, each respectively is coupled to ATM switches 106 and 104), said interface routers selecting a transmission path between the subnetwork and the main network through said interface switches (see col.6, lines 10-22; edge switch/ router 102 comprises a forwarding table which choose an alternate path for forwarding the remainder of the session in response to a current path is made as invalid). Byrne does not disclose if one of said interface routers fails, the selection of transmission paths otherwise provided by the failed interface router is provided by another one of said interface routers.

Li et al. discloses in the abstract that a group of routers including an active router and a standby router coupled to a LAN. Message from transmitted from a host router in the Lan is via the active router. When the active router fails, the standby router operates (see further in figures). Therefore, it would have been obvious to one ordinary skilled in the art implement of teaching of Li et al. into that of Byrne so that when one router coupled to the subnetwork fails, the standby router is applied to share the load with routers in the subnetwork. The motivation is to flexibility route packet from subnetwork through main network via standby routers and standby switches. Congestion is reduced.

In claims 14 and 34, Byrne discloses at least two network communication links transporting information signals (fig.4, physical connections VCC1 112 and VCC2 116) between the interface architecture (edge switch 102) and the main network (ATM backbone), wherein, if one of said network communication links fails, another one of the network communication links transports the information signals that would otherwise be

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transported by the failed communication link (see fig.5, steps 204, 208, 210 and 212;p col.6, lines 42 to col.7, line 5).

In claims 15 and 35, Byrne does not disclose the network communication links include two optical connection links. It is a well-known in the art to implement the links VCC1 and VCC2 to operate in an optical network because in ATM network, data is transmitted at high speed.

Allowable Subject Matter

Claims 16, 17, 18, 19, 36, 37, 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', with a stylized, flowing script.

**HANH NGUYEN
PRIMARY EXAMINER**